

REMARKS

The applicant thanks the Examiner for her time on August 17, 2010 to discuss the rejection in the application. During that interview, the Examiner explained that upon further review, she believes that Mackal disclosed a cam and a cam slot, although not in the configuration of the present invention. A claim amendment to overcome this rejection was discussed.

Claims 1, 2, 16-20, 25, 27-31 are rejected under 35 U.S.C. §102(b) as being anticipated by Mackal (U.S. Patent No. 2,859,932). The Examiner states that Mackal discloses a sterile device having a body 14 having a bore through its interior, a movable plunger contained within the bore, where the bore is plastic. The Examiner also states that Mackel discloses a body having a first end and a second end, the first end having a face designed to be connected to an upstream component, a plunger having first and second ends and having a shape corresponding to that of the bore, a port formed on the second end of the plunger connectable to a downstream component, one or more seals between the plunger and the bore to form a liquid tight seal, the first end of the plunger when in a closed position being in alignment with the face of the body and a steamable surface, a cam slot formed in the body and a cam formed on the outer surface of the plunger and contained within the cam slot, and a handle to move the plunger within the bore from a closed to an open and then back to a closed position. The Examiner cites the region between the inwardly extending wall 21 and the annular rib 27 to be a cam slot.

This rejection is respectfully traversed. Mackal does not disclose a cam or cam slot. Rather, the Examiner cites a shoulder 26 of the plunger, and a cavity (between the inwardly extending wall 21 and the rib 37) and states that these elements are the same as the cam and cam slot, respectively, of the present invention.

In fact, the cam slot defined by the Examiner is actually a recess in the cavity formed between inwardly extending wall 21 and rib 37. This rib is "of such radial height that it imposes a marked retardation on the element 15 as shoulder 26 thereon passes by the rib". In other words, the rib is intended to be an impediment to the movement of the cam. In other words, the rib 37 is not intended to stop the plunger's motion, only to delimitate the open position from the closed position. In fact, the plunger moves past rib 37 in the closed position as shown in Fig. 9.

In the claimed invention, the cam remains within the cam slot throughout its full travel, such that the cam slot defines the full range of motion of the plunger. In contrast, in Mackal, the cam slot does not define the full motion of the plunger. Rather, it simply serves as an obstacle to the movement of the plunger as it goes from open to closed.

It is believed that the present claim is not anticipated by Mackal, since the shoulder 26 and the recess between wall 21 and rib 37 of Mackal do not function similar to Applicants' cam and cam slot. Applicants' cam remains within the cam slot, with the cam slot being used to define

the full range of motion of the cam. Furthermore, the recess between wall 21 and rib 37 is not a cam slot, since it extends radially around the plunger, forming an annular structure with a top (inwardly extending wall 21) and a circular sidewall (downwardly extending wall 21), and does not define the full range of motion of the cam.

Furthermore, rejected independent claims 1, 16, 25 and 27 recite "one or more seals between the plunger and the bore to form a liquid tight seal." The device of Mackal does not have this feature and merely relies on friction between its components to form a seal. The Examiner states that shoulder 26 serves as a seal. However, shoulder 26 is part of plunger 27 and therefore cannot be considered to be "between the plunger and the bore" as recited in the claims.

Although it is believed that the present claims are patentable in view of Mackal, rejected independent claims 1, 16, and 25 have been amended to specifically recite that the cam remains within the cam slot as the plunger moves from a closed position to an open and then back to a closed position. This limitation is not disclosed or suggested by Mackal. This amendment has been made to expedite allowance.

Claim 27 has not been amended, as it is believed that (as in the case of claims 1, 16 and 25) Mackal does not disclose all of the elements of claim 27. Specifically, as described above, Mackal does not teach one or more seals located between the plunger and the bore, as recited in claims 27.

Further, Applicants' Claim 27 requires "the first end of the plunger when in a closed position being in alignment with the face of the body and forming a steamable surface and a sterile barrier against the environment to the rest of the interior of the body." Although, Mackal mentions that the valve may be used for long periods of time while submerged in water, there is no suggestion of "withstanding steam treatment" in Mackal. Additionally, Mackal's valve is not sterile. In fact, Mackal admits to this by stating that foreign matter may be removed from the valve, after which the valve can be reassembled (column 5, lines 56-58).

Restoration of the allowance of claims 1-26 is respectfully requested in view of the foregoing, as is the allowance of recently added claims 27-31.

Respectfully submitted,

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